

AMENDED IN ASSEMBLY APRIL 3, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2927

Introduced by Assembly Member Bass

February 22, 2008

~~An act relating to child welfare.~~ *An act to amend Section 241.1 of the Welfare and Institutions Code, relating to juveniles.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2927, as amended, Bass. ~~Child welfare system: funding.~~
Juveniles: dual status children.

Existing law provides that whenever a minor appears to come within the descriptions of both a dependent child and a ward of the juvenile court, the county probation department and the child welfare services department shall, pursuant to a jointly developed written protocol, initially determine which status will serve the best interests of the minor and the protection of society. Existing law authorizes the probation department and the child welfare services department in any county to create a jointly written protocol that would permit the county probation department and the child welfare services department to jointly assess and produce a recommendation that a minor who meets specified criteria be designated as a dual status child, allowing the child to be simultaneously a dependent child and a ward of the juvenile court, as specified.

This bill would require the county child welfare agency to assess a dual status child for prompt return to the jurisdiction of the dependency court and for services by the county child welfare agency immediately after that child has fulfilled the requirements imposed by the delinquency

court. By imposing this duty on the county child welfare agency, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Under existing law, the State Department of Social Services and local child welfare agencies have various powers and duties relating to the provision of child welfare services.~~

~~This bill would state the intent of the Legislature to enact legislation that would provide a stable source of funding for the state's child welfare system.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 241.1 of the Welfare and Institutions Code
- 2 is amended to read:
- 3 241.1. (a) Whenever a minor appears to come within the
- 4 description of both Section 300 and Section 601 or 602, the county
- 5 probation department and the child welfare services department
- 6 shall, pursuant to a jointly developed written protocol described
- 7 in subdivision (b), initially determine which status will serve the
- 8 best interests of the minor and the protection of society. The
- 9 recommendations of both departments shall be presented to the
- 10 juvenile court with the petition that is filed on behalf of the minor,
- 11 and the court shall determine which status is appropriate for the
- 12 minor. Any other juvenile court having jurisdiction over the minor
- 13 shall receive notice from the court, within five calendar days, of
- 14 the presentation of the recommendations of the departments. The
- 15 notice shall include the name of the judge to whom, or the
- 16 courtroom to which, the recommendations were presented.
- 17 (b) The probation department and the child welfare services
- 18 department in each county shall jointly develop a written protocol
- 19 to ensure appropriate local coordination in the assessment of a

1 minor described in subdivision (a), and the development of
2 recommendations by these departments for consideration by the
3 juvenile court. These protocols shall require, which requirements
4 shall not be limited to, consideration of the nature of the referral,
5 the age of the minor, the prior record of the minor's parents for
6 child abuse, the prior record of the minor for out-of-control or
7 delinquent behavior, the parents' cooperation with the minor's
8 school, the minor's functioning at school, the nature of the minor's
9 home environment, and the records of other agencies that have
10 been involved with the minor and his or her family. The protocols
11 also shall contain provisions for resolution of disagreements
12 between the probation and child welfare services departments
13 regarding the need for dependency or ward status and provisions
14 for determining the circumstances under which a new petition
15 should be filed to change the minor's status.

16 (c) Whenever a minor who is under the jurisdiction of the
17 juvenile court of a county pursuant to Section 300, 601, or 602 is
18 alleged to come within the description of Section 300, 601, or 602
19 by another county, the county probation department or child
20 welfare services department in the county that has jurisdiction
21 under Section 300, 601, or 602 and the county probation
22 department or child welfare services department of the county
23 alleging the minor to be within one of those sections shall initially
24 determine which status will best serve the best interests of the
25 minor and the protection of society. The recommendations of both
26 departments shall be presented to the juvenile court in which the
27 petition is filed on behalf of the minor, and the court shall
28 determine which status is appropriate for the minor. In making
29 their recommendation to the juvenile court, the departments shall
30 conduct an assessment consistent with the requirements of
31 subdivision (b). Any other juvenile court having jurisdiction over
32 the minor shall receive notice from the court in which the petition
33 is filed within five calendar days of the presentation of the
34 recommendations of the departments. The notice shall include the
35 name of the judge to whom, or the courtroom to which, the
36 recommendations were presented.

37 (d) Except as provided in subdivision (e), nothing in this section
38 shall be construed to authorize the filing of a petition or petitions,
39 or the entry of an order by the juvenile court, to make a minor
40 simultaneously both a dependent child and a ward of the court.

(e) Notwithstanding subdivision (d), the probation department and the child welfare services department, in consultation with the presiding judge of the juvenile court, in any county may create a jointly written protocol to allow the county probation department and the child welfare services department to jointly assess and produce a recommendation that the child be designated as a dual status child, allowing the child to be simultaneously a dependent child and a ward of the court. This protocol shall be signed by the chief probation officer, the director of the county social services agency, and the presiding judge of the juvenile court prior to its implementation. No juvenile court may order that a child is simultaneously a dependent child and a ward of the court pursuant to this subdivision unless and until the required protocol has been created and entered into. This protocol shall include:

(1) A description of the process to be used to determine whether the child is eligible to be designated as a dual status child.

(2) A description of the procedure by which the probation department and the child welfare services department will assess the necessity for dual status for specified children and the process to make joint recommendations for the court's consideration prior to making a determination under this section. These recommendations shall ensure a seamless transition from wardship to dependency jurisdiction, as appropriate, so that services to the child are not disrupted upon termination of the wardship.

(3) A provision for ensuring communication between the judges who hear petitions concerning children for whom dependency jurisdiction has been suspended while they are within the jurisdiction of the juvenile court pursuant to Section 601 or 602. A judge may communicate by providing a copy of any reports filed pursuant to Section 727.2 concerning a ward to a court that has jurisdiction over dependency proceedings concerning the child.

(4) A plan to collect data in order to evaluate the protocol pursuant to Section 241.2.

(5) Counties that exercise the option provided for in this subdivision shall adopt either an "on-hold" system as described in subparagraph (A) or a "lead court/lead agency" system as described in subparagraph (B). In no case shall there be any simultaneous or duplicative case management or services provided by both the county probation department and the child welfare services department. It is the intent of the Legislature that judges,

1 in cases in which more than one judge is involved, shall not issue
2 conflicting orders.

3 (A) In counties in which an on-hold system is adopted, the
4 dependency jurisdiction shall be suspended or put on hold while
5 the child is subject to jurisdiction as a ward of the court. When it
6 appears that termination of the court's jurisdiction, as established
7 pursuant to Section 601 or 602, is likely and that reunification of
8 the child with his or her parent or guardian would be detrimental
9 to the child, the county probation department and the child welfare
10 services department shall jointly assess and produce a
11 recommendation for the court regarding whether the court's
12 dependency jurisdiction shall be resumed.

13 (B) In counties in which a lead court/lead agency system is
14 adopted, the protocol shall include a method for identifying which
15 court or agency will be the lead court/lead agency. That court or
16 agency shall be responsible for case management, conducting
17 statutorily mandated court hearings, and submitting court reports.

18 (f) *Whenever a dual status child has fulfilled the requirements*
19 *imposed by the delinquency court, the county child welfare agency*
20 *shall immediately assess the child for prompt return to the*
21 *jurisdiction of the dependency court and for services by the county*
22 *child welfare agency.*

23 *SEC. 2. If the Commission on State Mandates determines that*
24 *this act contains costs mandated by the state, reimbursement to*
25 *local agencies and school districts for those costs shall be made*
26 *pursuant to Part 7 (commencing with Section 17500) of Division*
27 *4 of Title 2 of the Government Code.*

28 ~~SECTION 1. It is the intent of the Legislature to enact~~
29 ~~legislation that would provide a stable source of funding for the~~
30 ~~state's child welfare system.~~